

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 392

Case No. 81-19P

February 14, 1983

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on October 4, 14 & 25 and November 1 & 9, 1982. At those hearing sessions, the Zoning Commission considered an application from the Tregaron Corporation for preliminary review and approval of a Planned Unit Development (PUD) and related amendment to the Zoning Map of the District of Columbia, pursuant to Sections 7501 and 9101 of the Zoning Regulations of the District of Columbia. The hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application, as originally filed on November 17, 1981, requests preliminary review and approval of a PUD and related change of zoning from R-1-A to R-1-B for lot 839 (formerly lot 838) in Square 2084. The applicant proposes to construct a residential development consisting of 120 single-family dwellings arranged in a cluster configuration on the site.
2. The property that is subject to this application (PUD site) is owned by the Tregaron Limited Partnership, a District of Columbia limited partnership. The general partner of the owner is the Tregaron Corporation, applicant.
3. The original application proposed that the dwelling units would have had a height of no more than forty feet, the floor area ratio (FAR) for the project was 0.396, the lot occupancy was 13.12 percent, and there would have been parking to accommodate 292 cars.
4. The R-1-A District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot area of 7500 square feet, a minimum lot width of fifty feet, a maximum lot

occupancy of forty percent, and a maximum height of three stories/forty feet.

5. The R-1-B District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot area of 5000 square feet, a minimum lot width of fifty feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet.
6. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines, and standards which may exceed or be lesser than the matter-of-right standards identified above.
7. The PUD site comprises approximately 14.6 acres of unimproved land, and is located and has street frontage at 3029 Klingle Road and 3100 Macomb Street, N.W.
8. The 14.6 unimproved acres are a part of the original 20.7 acre Tregaron Estate. In 1978 the D.C. Superior Court authorized the sale of the Tregaron Estate. The Washington International School purchased and now owns six acres of the original estate, including the historic mansion at the crest of a hill and four other buildings. The applicant purchased the remaining portion of the original estate, the 14.6 acre PUD site.
9. The PUD site is irregular in shape, has a sloping topography of varying degree, and has areas of mature trees and open meadows. The site is considerably littered with dead and fallen trees and shrubs.
10. The historic mansion and the other buildings are on the crest of a hill which is at the west central portion of the original estate. The buildings are set back approximately 350 feet from the Macomb entrance and approximately 520 feet from the Klingle Road entrance.
11. From the crest of the hill, the PUD site slopes down at a rate in excess of fifteen percent to a ravine and stream at the northern and northeastern portions of the site, and tree coverage is relatively dense in most places. Due east of the crest, the PUD site slopes down to a relatively level, open area or "shoulder" before sloping down to Klingle Road and the stream valley. To the south of the school buildings, the site is moderately sloping meadow with some scattered trees, followed by a pond which is fed by a stream running through the southern portion of the site. From the pond and stream, the topography slopes up again to the southeast corner at Klingle Road.

12. An eighteen-foot-wide, hard surface, private roadway curves through the school property and the PUD site, and operates one-way from the Macomb Street entrance on the north to the Klingle Road exit on the south.
13. The PUD site is located in a predominately residential neighborhood known as Cleveland Park. Immediately to the west of the PUD site is a similar hilly, wooded estate property of 17.6 acres known as "Twin Oaks," which has a single large residential structure now owned and occupied by the Friends of Free China. This property extends west nearly to 33rd Street, N.W., and like the subject property and the Washington International School, is zoned R-1-A.
14. To the southeast and east of the PUD site is an R-5-B District developed with the large Woodley Park Towers Apartment house, several other apartment houses and some semi-detached houses. At this edge of the PUD site is Klingle Valley Park, which is unzoned land under the jurisdiction of the National Park Service and connected to Rock Creek Park farther to the east.
15. At a higher elevation to the east of the PUD site is the Connecticut Avenue bridge. Just north and south of the bridge which spans Klingle Valley Park, the zoning is R-5-C and development is elevator-type apartments. Immediately north and south of these R-5-C Districts are C-2-A Districts developed with neighborhood-serving retail and entertainment uses at low density. Within the northern commercial strip is the Cleveland Park Metrorail station. To the south there are commercial strips opposite the entrance to the Zoological Park and at Calvert Street, the latter containing an entrance to the Woodley Park/Zoo Metrorail Station. The station entrances are, respectively, approximately 1900 and 3200 feet walking distance from the nearest roadway entrance to the PUD site.
16. The Washington International School which owns and occupies a six acre portion of the original 20.7 acre Tregaron Estate, was a tenant of the entire estate prior to the court-ordered sale of the estate in 1980. If the PUD is approved, the school has an option to lease an additional one and one-half acres from the Tregaron Corporation. The School also has an understanding with the applicant that the applicant will use its best efforts to offer the School another one and one-half acres at some time in the future, the specific location of which has yet to be determined.
17. The school's use of the site is subject to special exception approval by the Board of Zoning Adjustment (BZA), which approval was granted in BZA Order No.

12576 on August 21, 1978. That order was based upon the school's tenancy of the entire 20.7 acres at that time. The order, permits use of the property in two phases:

- a. In the first phase, the School's size is to be approximately 250 students, the use is to be within existing buildings, and the school is assumed to be the tenant of the property.
 - b. In the second phase, it was contemplated that the School would have acquired the entire site, could expand to 350 students, and was authorized to return to the BZA at a future time for review and potential approval of plans for new buildings.
18. The School was unable to acquire the entire site and continues to operate under phase one of the order. Enrollment remains at approximately 250 because two grades were relocated to the School's other campus, and funds have not yet been obtained to build a gymnasium. At such time as the School is able to build the new structure(s), the design of the new structure would be subject to review and approval by the BZA.
 19. The School and Tregaron Corporation have a written agreement that the School may use the land area of the entire PUD site until such time as Tregaron Corporation has a building permit. The BZA Order includes outdoor school uses on parts of the property outside its present six acres; e.g., archery, play field, nature study.
 20. At such time as the School no longer is able to use the entire 20.7 acre site, it must return to the BZA for a modification of its approved plan.
 21. In 1978 the Joint Committee on Landmarks of the National Capital designated the Tregaron Estate as a Category III local historic landmark. The decision noted that Tregaron contributes to the cultural heritage or visual beauty and interest of the District of Columbia because the Neo-Georgian mansion and grounds are a good example of a large estate designed for affluent American businessmen in the early twentieth century. Also, the mansion, designed and built in 1912, is the only known residential structure in Washington by the nationally known architect, Charles Platt.
 22. Because of this historic designation, any new development on the property is subject to design review under the requirements of D.C. Law 2-144. Final design approval could be given only after any required zoning

approval had been obtained by the applicant. However, the applicant submitted its plans for conceptual design review by the Joint Committee before filing a zoning application.

23. The original concept having 184 dwelling units and a substantially new road system on the site was submitted to the Joint Committee on Landmarks in the spring of 1981. A public hearing was held, and the Joint Committee issued Historic Preservation Action 81-251 on May 21, 1981. The statement questioned whether the intensity of development proposed could be accommodated while preserving the integrity of the estate. Two specific areas of inconsistency with historic preservation objectives were noted:
 - a. The houses south of the mansion would be highly visible from the south veranda and would interrupt important views and adversely affect the design relationship of mansion and grounds; and
 - b. The plan would negatively alter the original roadway with its stone walls and bridges.
24. The Joint Committee recommended that the applicant restudy the development concept so as to maintain the existing roadway and eliminate, if possible, development visible from the south veranda.
25. In March 1982 when the Zoning Commission considered this application for public hearing, the Zoning Commission intentionally allowed a six-month time period prior to the beginning of the public hearing so that the Joint Committee could further advise the National Capital Planning Commission (NCPC) regarding the federal interest in historic preservation and allow time for the applicant to submit an amended plan to the Zoning Commission, if necessary, based upon this review.
26. On September 1, 1982, the Joint Committee addressed the revised plans and submitted its advice to the NCPC. The NCPC in turn adopted its position at its September 16, 1982 meeting. The Joint Committee reported that the development would cause adverse visual impact from the Klinge Valley Park and that the density of development would adversely affect the Tregaron Estate.
27. The applicant proposes to develop the property under a multiple building covenant as provided in Section 108 of the Building Code of the District of Columbia. Individual assessment and taxation lots will be sold to purchasers who will acquire a fee simple interest in the lot on which the home has been built. The balance

of the property will be owned in common by the residents of the development and will be managed by a homeowners' association.

28. The applicant would apply, prior to obtaining a construction permit, for resubdivision of the property to a single lot of record. All streets, sidewalks, parking areas and utilities within the property will be private. All services, such as trash collection, snow removal, maintenance of streets and sidewalks, maintenance of treed areas and maintenance of landscaped areas, will be managed and paid for by the homeowners' association.
29. The applicant revised its application before the Zoning Commission and proposes to construct 120 single-family dwelling units. These units would be clustered townhouses or row dwellings in twenty-nine clusters, each cluster having from two to seven houses. The houses would be three and one-half stories and thirty to forty feet in height. The size-range would be from 1,620 to 2,400 square feet of floor area per house. Eighty-five percent (102 dwellings) would be just over 2,000 square feet (either 2,090 or 2,100).
30. The revised FAR for the development would be 0.393, which is within the permitted 0.4 FAR allowed for a PUD in the R-1 Districts. This is based upon a site size of 636,694 square feet and a floor area within houses of 247,270 square feet plus 3,200 square feet of floor area in underground garage.
31. The houses would be oriented to the existing and new roads on the site, including the historic "causeway bridge" which would be preserved and retained within an expanded road system. Access would be from both Macomb Street and Klinge Road. From the latter, a second street access would be provided.
32. A revised total of 251 parking spaces would be provided, or just over two spaces per dwelling unit. Of these, 106 would be in-house garage spaces, thirty-two would be underground, and 113 would be in driveways or set-aside areas around the site. In the R-1-B District one parking space per dwelling unit is required.
33. The "footprint" of the dwellings would cover 82,410 square feet of land area, or a lot occupancy of 12.94 percent. Under Section 7501, a maximum lot occupancy of forty percent is permitted. Other ground coverage on the site, consisting of old and new roads, parking and pedestrian walks, would constitute 110,200 square feet of land area or seventeen percent of the PUD site.

Thus, total ground coverage would be 30.2 percent of the site and total "green area" would be approximately seventy percent of the site.

34. The applicant proposes to dedicate approximately eight acres of the unimproved area as a scenic easement to the U.S. Government. Preliminary negotiations between the applicant and the National Capital Planning Commission began regarding the extent and location of an easement. The applicant proposes that this permanent open space area essentially surround all developed areas on the site within ten feet, and that covenants be required of homeowners preventing individual owners from construction additions, fences or anything else outside the exterior walls of their houses.
35. The proposal would leave approximately seventy-percent of the site as natural green area, would also provide for preservation of approximately ninety-two percent of existing trees on the site, and would allow for a separation of new houses from the periphery of the site and surrounding development, including the Washington International School.
36. The predominant zoning and land uses to the north and south of the PUD site are low density R-1-B districts, with a net density of 8.7 units per acre. The PUD proposes 8.2 units per acre. The R-5-B zoning district to the east and south of the site, containing the Woodley Park Towers Condominium and other smaller apartment houses, has a density between sixty-five and eighty units per acre. The R-3 zoning of Woodley Park, with its single-family row developments, ranges from seventeen to twenty units per acre. The typical net density in an R-1-A zone is 5.8 units per acre.
37. The applicant testified that it chose a 2,000 square foot average size house to conform its PUD application to the housing realities of the 1980s, rather than the 4,000 square foot units built in the Cleveland Park area during the period from 1890 to 1940.
38. The applicant testified that the PUD was compatible with city-wide and neighborhood goals, plans and programs. The applicant argued that the PUD plan promotes efficient and economical utilization of the land, attractive urban designs, and complies with the criteria of the Comprehensive Plan, as set forth in the Goals and Policies Act of 1978, concerned with housing supply, environmental quality and historic preservation.
39. The applicant argued that the PUD proposal is in accord

with District of Columbia policy to develop the remaining large estates in residential cluster-type developments in a manner that respects the natural environmental features of the land, minimizing the impact on the open surrounding neighborhood and providing for future housing needs of all citizens of the District of Columbia, preserving and protecting the residential quality of the neighborhood. The Commission finds that such a policy was inferred from the previous actions of this Commission and such policy is not set forth in the Goals and Policies Act.

40. The applicant testified that its circulation and parking system had been conceived to reduce traffic by separating the entrances and exits to allow traffic to be divided between Klinge Road and Macomb Street.
41. The applicant argued that the street system in the area is more than capable of handling the traffic which would be generated by both the School and the proposed PUD, that the applicant's proposed traffic and circulation pattern would not adversely affect the School's operation, that the proposed roadway pattern is sufficient to accommodate the applicant's and the School's joint use, and that the traffic plan would not adversely affect the neighborhood. The applicants' traffic expert testified that the level of service within the neighborhood, at the completion of the PUD and after full use by the School of its site, would still be within an acceptable range and that, therefore, the proposed development of the Tregaron tract with 120 single-family clustered units would have no adverse affect upon the community's traffic.
42. The applicant testified that the parking as proposed was sufficient for the needs of the proposed 120 single-family units. A total of 251 parking spaces were proposed to be provided; 106 inside the houses, thirty-two underground garage spaces, and 113 on site. This is slightly more than two spaces per dwelling unit.
43. The applicant testified that there is a Metrorail station within a twelve minute walk of the PUD site, as are Metrobus routes along Connecticut Avenue and along the south side of the property. These public transportation facilities reduce the necessity for use of private automobiles by residents of the site.
44. The applicant testified that its concept of development of the clustered houses would be to build from the roadside out to preserve and protect the slopes, trees and vegetation. It proposed that no heavy equipment would impose itself upon the site and wherever

possible, outside of the building limits, would be set approximately ten feet from the outside perimeter of the houses to be constructed.

45. The applicant testified as to the relationship of all the houses to the slope configuration of the site. The houses on the Klingle Valley side of the property, were shown with line-of-sight computations from Klingle Valley Parkway. These data indicated that most of the proposed houses overlooking Klingle Valley Parkway would not be clearly visible from outside the property during most of the year, except when the trees and vegetation would be sparse in winter, and then only partially. The applicant proposed to develop additional landscaping plans in its second stage application to help screen the houses in winter months.
46. The applicant testified that it made detailed geotechnical studies of the site, including the taking of borings, the collecting of soil data, and the analysis of the slopes. Based on its engineering and geotechnical reports, contained in the PUD application, it testified that the houses would be built safely on the slopes and that the site would be preserved and protected by the utilization of its cut and fill method of construction. The houses would be sited so as to require a minimum of grading and would be part of the slopes, part of the houses being used for retaining walls; the house itself being built within the slopes.
47. The applicant testified about a preliminary utility plan which indicated the generalized layout of sewer and water lines and other utility needs. The utility plan will be modified and finalized in the second-stage application, based on a more detailed study of the site in order to meet the environmental and related concerns and to preserve the vegetation on the site.
48. The applicant testified about a possible resolution of the drainage and storm water problems affecting the site. The applicant presented its proposed Stormwater Management Plan which it developed in coordination with the National Park Service and the District of Columbia Department of Environmental Services. A finalized Stormwater Management Plan would be submitted as part of the second-stage application.
49. The applicant testified that the proposed development would generate estimated revenues of \$2,012,400 annually to the District of Columbia. It estimated the cost of all services provided by the District of Columbia would be \$203,600 annually and, therefore, that the net revenue to the District of Columbia as a result of 120 single-family clustered houses

contemplated by the PUD would be \$1,758,000. Further, the District of Columbia would not be required to make any substantial expenditures to support the proposed project in that there were more than adequate community services located in proximity to the site, including fire and police stations, elementary and secondary schools, libraries, recreational facilities, hospitals and clinics and a major shopping area located on nearby Connecticut Avenue, N.W. All roads and all utilities within the PUD would be provided at no cost to the District of Columbia, but would be the obligation of the applicant.

50. The methods to be utilized by the applicant during the second stage of the PUD application in the siting of houses so as to minimize tree loss from excavation, grading and other construction activities concerning the proposed PUD application were discussed in order that ninety-two percent of the existing, healthy, mature trees could be preserved and protected.
51. The Office of Planning and Development (OPD) by memoranda dated September 24, 1982 and January 3, 1983 recommended approval of the application, subject to proposed development conditions, guidelines and standards. The OPD reports that "the most comprehensive adopted goals affecting this site are found in D.C. Law 2-134, the District of Columbia Goals and Policies Act of 1978, the first local element of the Comprehensive Plan for the National Capital. The applicant has addressed these issues in the application. OPD believes the proposal is generally consistent with adopted goals and policies and is of the opinion that the critical policies in this case will be related to housing supply, environmental quality and historic preservation."
52. The D.C. Department of Recreation (DCDR) by memorandum dated September 16, 1982 did not object to the application and believed that the benefits to the city would be well in excess of those benefits provided through matter-of-right development. The DCDR noted that there is a shortage of tennis courts in Ward 3 and that the proposal would generate an increase in that demand.
53. The D.C. Department of Housing and Community Development (DHCD), by memorandum received September 24, 1982, reported that "the proposal is consistent with the housing policies of this Department. This proposal would increase the available housing supply in the District and would substantially increase the City's tax base. The proposed plan is compatible with

the city-wide, ward and area plans of the District of Columbia".

54. The Director of the DHCD, serving in the capacity of the Mayor's Agent for Historic Preservation, also believed that the Tregaron site is well suited for use as a planned unit development. The DHCD noted that this site, as a historic landmark, presents several issues of special concern. The DHCD encouraged efforts to preserve and enhance the southern vistas.
55. The D.C. Office of Business and Economic Development (OBED), by memorandum dated September 16, 1982, reported that the OBED "finds that the proposed development is in conformance with the goals and objectives of the District's Overall Economic Development Program."
56. The D.C. Department of Environmental Services (DES), by memorandum dated September 22, 1982 and by testimony presented at the public hearing, reported that several trees, as shown on the applicant's Tree Retention Analysis, will not survive due to root damage during construction. The DES noted that all construction on the site, and final site grading and landscaping will have to meet the requirements of D.C. Law 2-23. The DES believed that erosion would not be a problem if the applicant took precautionary ground-covering measures.
57. The D.C. Metropolitan Police Department, by memorandum received September 24, 1982, reported its willingness to maintain close community relations with interested groups to reduce crime.
58. The D.C. Department of Transportation (DCDOT), by memorandum dated September 24, 1982 and by testimony presented at the public hearing, did not object to the proposal. The DCDOT believed that approximately sixty more parking spaces would be needed to accommodate visitor parking needs. The DCDOT noted that the applicant must coordinate all design and construction elements within public space with the DCDOT, and assume their costs.
59. The D.C. Public Schools, by letter dated September 22, 1982, reported that "this project will have no adverse affect upon facilities and operations of the D.C. Public Schools."
60. The National Capital Planning Commission (NCPC), by report dated September 16, 1982 and by testimony presented at the public hearing, determined that the proposal adversely affects the Federal interests in

historic preservation, scenic values, and environmental controls. The NCPC concurred with the findings of the Joint Committee on Landmarks regarding the density of the development and the siting of houses near Klinge Valley.

61. Advisory Neighborhood Commission 3C, by resolution dated September 20, 1982, did not support the proposed PUD for the following reasons:

- a. The proposed change from R-1-A to R-1-B is not compatible with any neighborhood plans.
- b. The PUD of 120 units circumvents the intent and purpose of the Zoning Regulations and it is not significantly superior to satisfactory solutions which could be achieved by applying the basic provisions of the Zoning Regulations.
- c. The proposed 120 units create too great a density. The existing zoning allows sixty-five to seventy units.
- d. Although the 15.6 percent building footprint is significantly lower than the forty percent lot coverage allowed, ANC 3C is concerned that the construction work disturbance would be much greater than the developer's forecast of 30.2 percent of the area and believes that it is not realistic to assume that ninety-two percent of the existing trees can be saved if the proposed density remains the same.
- e. Although the landmark building and causeway are saved, the density still adversely affects the unity of the landmark building and the site, the scenic approaches, and the views. A building restriction line should be established around the landmark building.
- f. The increased traffic on Macomb Street, Woodley Road, Klinge Road, Cortland Place, and Devonshire Place is undesirable. Of the 251 indicated parking spaces, 116 will be exposed and ninety-nine will be in front of garages, which will create an undesirable affect and is contrary to the intent of the Zoning Regulations. The developer should find alternative proposals to handle the parking without doing further damage to the environment.
- g. The lack of clustering and the density of the

project do not allow space for recreational areas other than nature walks and picnic areas within the easement.

- h. The PUD proposal does not spell out clearly the building restriction line and other covenants, nor the amount of financial support and escrow that the developer is offering for the restoration of the landmark building.
 - i. ANC-3C is concerned about soil erosion and movement given the soil and existing problems of run-off and drainage.
62. The Washington International School, party in the proceeding, by testimony presented at the public hearing, supported the application, subject to the following conditions:
- a. Six of the houses proposed by the applicant identified on Exhibit "A" to the School's written Request to Participate as a Party in this proceeding, be resited to a location farther away from premises owned in fee simple and premises to be leased by the School;
 - b. The applicant's proposed Traffic Plan be reviewed by the District of Columbia Department of Highways and Traffic, and the Office of Planning and Development, to, ensure that it would not adversely affect the School's operations under the Traffic Plan approved under BZA Order No. 12576;
 - c. The Zoning Commission take into account, in its consideration of the PUD Application, BZA Order No. 12576 (including the "Stage I Development" and "Master Plan" incorporated therein), granting to the School a Special Exception to operate a school on the Tregaron premises. In the event the PUD were to be granted, the Commission's Order at the conclusion of this First Stage state that approval would not be inconsistent with the School's continued operations. In addition, the School requested that the Zoning Commission take no action that would prevent the BZA from modifying the current Special Exception to take into account the fact that the School no longer has the right to use the entire premises. The School requested that in the event the applicant's PUD were to be granted on conditions that would require modifications of BZA Order No.12576, such modifications be clearly stated in the Zoning Commission's Order at the conclusion of the First Stage, so that the School could apply to the BZA

for appropriate modifications to its Special Exception.

63. The Friends of Tregaron and the Woodley Park Towers Condominium Association were parties in opposition to the application. There were several letters and persons who were not in support of the application, including the following:
 - a. Committee of 100 on the Federal City,
 - b. Wisconsin Avenue Corridor Committee,
 - c. Don't Tear It Down,
 - d. John Eaton Home and School Association,
 - e. Cleveland Park Citizens Association,
 - f. Ward 3 City Councilmember Polly Shackleton,
 - g. David and Tirsia Scott,
 - h. The Sierra Club,
 - i. Pierre Landell-Mills, and
 - j. C. Mark Wilson.
64. The issues raised by the parties/persons in opposition to the application included the following:
 - a. The site can only accommodate limited development because of its environmental sensitivity, including slopes, trees, and proximity to federal parkland) and its historic character as part of the original Tregaron Estate, a Category III historic landmark.
 - b. Development, in terms of the number of dwellings units, should generally be restricted to sixty to seventy units, based on the density typically obtainable as a matter-of-right under existing R-1-A zoning. This density could successfully be placed on the site in a variety of development schemes, which should be explored by the applicant. The proposed density is too high in comparison to matter-of-right development and surrounding neighborhoods.
 - c. Clustered townhouses, as arranged on the site and as expected to be designed, are compatible neither with the Tregaron Mansion, nor the detached houses in Cleveland Park.

- d. The proposed density will overwhelm the historic landmark qualities of the original Tregaron Estate. The proposed townhouses will sever the mansion from its original grounds.
- e. The area of construction disturbance will be larger than the applicant's experts are stating, so that problems of soil erosion, sedimentation and tree damage will be greater than indicated in the application. Development on the steeper slopes (e.g., fifteen percent or greater) of the site should be prohibited. The applicant's engineering concept of using rows of houses as retaining walls is a faulty concept.
- f. The proposed Storm Water Management Plan contains unaesthetic features such as the design of the detention pond near Klingle Road. The construction of the system will unnecessarily destroy vegetation.
- g. The proposed public open space easement of more than eight acres is a positive public amenity, but it should be more concentrated in location, specifically along Klingle Road.
- h. No active recreational facilities, such as tennis courts, are proposed on the site.
- i. In a number of locations, particularly in the southern portions of the site, proposed houses will be too visible from the Tregaron Mansion, from Klingle Valley Park and from the Woodley Park Towers Condominium apartment house.
- j. The proposed 251 parking spaces may prove inadequate. Traffic and overspill parking will increase on streets surrounding the site. Combined use of roadways by the school and future PUD site residents may prove unworkable.
- k. Net tax revenues to the city will be much less than projected in the application.
- l. There were no alternative development schemes to demonstrate alternative design concepts.
- m. The safety of pedestrians who would use the PUD site would be affected because no sidewalks would be provided.
- n. The vehicular traffic along Klingle Road at the

southern entrance to the PUD site could create dangerous conditions for the lack of traffic controls.

65. The Zoning Commission is required to give "great weight" to the issues and concerns of the ANC. As to the issues and concerns set forth in Finding No. 61, the Commission finds as follows:

- a. The rezoning of the property from R-1-A to R-1-B, in conjunction with a PUD, is not a significant issue. The use, height and bulk controls of the two districts under PUD are essentially identical.
- b. The PUD proposed of 120 units is essentially the same density, in number of units per acre, as the existing development of R-1-B areas to the north and south, and is lower than the apartment and rowhouse development in the area. The density, both in terms of units and floor area, is not substantially different from that of surrounding development.
- c. The development scheme as proposed is superior to matter-of-right development of single family detached houses on lots with a minimum area of 7,500 square feet. However, the development scheme does not have sufficient merit to warrant approval from the Commission, as more fully set forth below.
- d. The percentage of land actually occupied by buildings is relatively low. However, the manner in which those buildings are distributed around the site results in too high a percentage of the site being removed from its existing condition, and results in adverse impact on the character of the site.
- e. The reports of the Joint Committee and the National Capital Planning Commission establish that the proposal now before the Zoning Commission would adversely affect the status of the property as a historic landmark.
- f. The development has an insufficient number of visitor parking spaces. Given the present design of the project, there is no immediately discernible method, without adversely affecting the site by destroying trees and large scale regrading, to provide the minimum of sixty additional on-site visitor parking spaces necessary to avoid undue parking impacts on adjoining areas.

- g. Traffic along surrounding streets is expected to increase. According to the applicant's traffic expert and the DCDOT, this increase will not result in unacceptable levels of service or seriously change existing conditions. The Commission heard contrary testimony from the ANC and other opposition. There was specific testimony from some residents on Macomb Street regarding the relatively high volume of existing traffic on Macomb Street when compared to its function as a minor residential street. The Commission is unable to find definitively whether the proposed development will create adverse impact on adjoining streets. The question of traffic impact is not dispositive of this application.
 - h. The project as designed does not include significant active recreational areas. There is no indication that the project requires such areas. In general, there are adequate public facilities available to serve the level of development proposed.
 - i. The Tregaron mansion itself is not owned by the applicant and is not on the subject property. It is outside the jurisdiction of the Zoning Commission.
 - j. The plan proposes significant disturbance of the total site to accommodate the construction of the houses, and to provide necessary support systems including roadways, and sewer and water lines. The plan is generally not sensitive to the need to disturb the site as little as possible. It is further not sensitive to maintaining the appearance and quality of the existing terrain by proposing construction on slopes which exceed fifteen percent.
66. As to the other issues in this matter not discussed in Finding No. 65 above, the Commission finds as follows:
- a. The site should be developed as a Planned Unit Development. Matter-of-right development under the standards of the R-1-A District could well have an adverse affect on the site. The flexibility of development permitted under Section 7501 is the best way to approach development of this site.
 - b. The site should be developed with housing. The

site should not be left vacant, serving no productive purpose. Housing is needed in the District of Columbia.

- c. With the exception of street capacity, where the Commission makes no finding, there are adequate recreation, commercial and other public facilities to serve development in the range proposed by the application.
 - d. The principal issues regarding this application are site design issues. Because of the historical character of the site, the extreme natural topographical conditions of the site and the presence of extensive tree cover and vegetation, the site is difficult to develop. The plan as proposed spreads development over too much area, even though the actual percentage of lot occupancy is low. The development severely impacts the site, in terms of the amount of roadway, the layout of houses on steep slopes, the grading necessary to accommodate houses and the location of utility lines.
67. The Commission finds that the applicant has failed to demonstrate the economic rationale for proposing 120 dwelling units, or to provide information on the sales price of the units or the affect on the marketability of the project if the number of units was reduced.

CONCLUSIONS OF LAW

- 1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, since control of the use and site plan is essential to insure appropriate development of the site and compatibility with the neighborhood.
- 2. Approval of the subject application would not be consistent with the purposes of the Zoning Act (Act of June 20, 1938, 52 Stat. 797) by failing to further the general welfare.
- 3. The application as now before the Commission can not be approved with conditions which would insure that the development would not have an adverse affect on the site or the surrounding community.
- 4. Approval of the application would not promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Maps of the District of Columbia.

5. The applicant failed to carry the burden of proof necessary to sustain the approval of the application, particularly as to the purposes of the Planned Unit Development process as set forth in Paragraph 7501.11 of the Zoning Regulations.
6. In making its decision on this application, the Zoning Commission has accorded to Advisory Neighborhood Commission 3C the "great weight" to which it is entitled.

DECISION

The subject application presents an extremely difficult choice for the Zoning Commission. The Commission strongly believes that the subject property should be developed under the Planned Unit Development process. The Commission further strongly believes that the site should be developed. However, the Commission finds and concludes that the subject Planned Unit Development, as presented to the Commission, is not an appropriate design proposal. The application is not sufficiently sensitive to the environmental and historic qualities of the site, and proposes too much construction on too large a portion of the site.

The Commission strongly encourages the applicant to further consider development of this site. The Commission believes that a Planned Unit Development can be approved for this site, which meets the deficiencies and objections cited in this order. The Commission is unable to approve the application, even with conditions. The design as presented is so defective that it cannot be salvaged by the deletion or relocation of units or by other minor adjustments to the site plan. The Commission is further hampered in this regard by the lack of adequate information from the applicant as to the economic rationale for the number of units proposed or the sales price of such units.

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders DENIAL of the application for a preliminary Planned Unit Development and related change of zoning from R-1-A to R-1-B for lot 839 in Square 2084 @ 3029 Klinge Road, N.W.

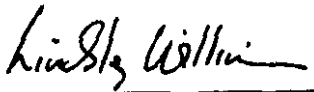
Vote of the Commission taken at the public meeting held on January 17, 1983: 4-0 (John G. Parsons, Lindsley Williams, Maybelle T. Bennett, and Walter B. Lewis to deny - George M. White, not present not voting).

This order was adopted by the Zoning Commission at its public meeting held on February 14, 1983 by a vote of 4-0 (Walter B. Lewis, John G. Parsons, Maybelle T. Bennett, and

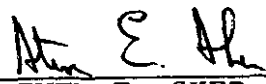
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Lindsley Williams, to adopt as amended - George M. White,
not present not voting).

In accordance with Section 4.5 of the Rules of Practice and
Procedure before the Zoning Commission of the District of
Columbia, this order is final and effective upon publication
in the D.C. Register, specifically on MAY 11 1983.



LINDSLEY WILLIAMS,
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

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